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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053918
Party	Defendant Blankinaki d/b/a Pixable
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Date	04/25/2012
Attachments	pixableanswer.PDF (3 pages)(101607 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PIXABILITY, INC.,	----- X	
	:	Cancellation No. 92053918
	:	
Petitioner,	:	
	:	Mark: PIXABLE
-against-	:	Registration No.: 3,789,569
	:	
BLANKINAKI (D/B/A PIXABLE),	:	
	:	
Respondent.	:	
	:	
	----- X	

ANSWER

BLANKINAKI (D/B/A PIXABLE) ("Respondent"), by and through its attorneys, WILMER CUTLER PICKERING HALE AND DORR LLP, hereby responds to the Petition For Cancellation by PIXABILITY, Inc. ("Petitioner"), as follows:

1. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 regarding Petitioner's ownership of U.S. Serial No. 85/165,728, its status or any information relating to the classes and content of such application, and therefore denies the same.

2. Respondent admits the allegations in Paragraph 2.

3. Respondent admits the allegations in Paragraph 3.

4. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and therefore denies the same.

5. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and therefore denies the same.

6. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 and therefore denies the same.

7. Respondent denies the allegations contained in Paragraph 7.
8. Respondent denies the allegations contained in Paragraph 8.
9. Respondent denies the allegations contained in Paragraph 9.
10. Respondent denies the allegations contained in Paragraph 10.

FIRST AFFIRMATIVE DEFENSE

11. Respondent's trademark PIXABLE was used in commerce on or in connection with the goods and services in International Class 16 and International Class 40 prior to Petitioner's claimed use of PIXABILITY in commerce in International Class 35; and as such, Respondent has priority.

SECOND AFFIRMATIVE DEFENSE

12. No confusion exists or is likely to exist between Respondent's trademark PIXABLE and any trademark(s) or common law rights to name(s) held or used by Petitioner.

THIRD AFFIRMATIVE DEFENSE

13. Respondent intends to rely upon such other defenses as may become reasonably available hereafter or become apparent during discovery proceedings in this action and hereby reserves the right to amend its Answer to Petition to Cancel to assert any such defense.

WHEREFORE, Respondent BLANKINAKI (D/B/A PIXABLE) respectfully requests that the Board dismiss Petitioner's Petition to Cancel in its entirety.

Dated: New York, NY
April 25, 2012

Respectfully Submitted

WILMER CUTLER PICKERING
HALE AND DORR LLP




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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2012, a true and correct copy of the foregoing ANSWER was served via email addressed to:

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Steven Estrada